

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLETTE RAPP,

Defendant.

CASE NO. CR14-5312BHS

ORDER

This matter comes before the Court on the parties' Agreed Motion to Continue the Trial Date and to Set New Pretrial Motion Deadline. The Court, having considered the agreed motion, the sub-joined declaration of defense counsel William Michelman in support of the motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. Defense counsel received 16 discovery disks on August 7, 2014, one of which was defective and needs to be resent.

2. Defense counsel needs additional time to completely review voluminous discovery and to analyze and formulate appropriate pretrial motions, if any should exist, and to effectively prepare for a plea or for trial.

3. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1       4. Taking into account the exercise of due diligence, a continuance is necessary to allow  
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of  
3 this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. §  
4 3161(h)(7)(B)(iv).

5       5. Proceeding to trial absent adequate time for the defense to prepare would result in a  
6 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

7       6. The ends of justice served by granting this continuance outweigh the best interests of  
8 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

9       7. Defendant waived speedy trial through March 30, 2015.

10       NOW, THEREFORE, IT IS HEREBY ORDERED

11       That the trial date is continued from September 23, 2014, to December 9, 2014, at 9:00  
12 a.m. Pretrial Conference is set for December 1, 2014, at 11:00 a.m. Pretrial motions are due by  
13 November 7, 2014. The resulting period of delay from August 15, 2014, to December 9, 2014, is  
hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

14       Dated this 28<sup>th</sup> day of August, 2014.

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BENJAMIN H. SETTLE  
United States District Judge